

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

v.

MATTHEW BLODGETT

(Date of Birth: September 11, 1975),

Defendant.

Case No: CR 2016-001935-002

PLEA AGREEMENT

Page 1 of 4

The State of Arizona and the Defendant hereby agree to the following disposition of this case:

Plea: The defendant agrees to plead **GUILTY** to:

Count 8: Fraudulent Schemes & Artifices, a Class 2 Felony, in violation of A.R.S. §§ 13-2310, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801, committed on or between August 15, 2014, and December 31, 2014.

Count 16: Theft, a Class 3 Felony, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, and 13-801, committed on or between August 1, 2014, and September 30, 2014.

Count 20 (as amended): Theft, a Class 4 Felony, in violation of A.R.S. §§ 13-1801, 13-1802, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, and 13-801, committed on or between November 1, 2014, and December 31, 2014.

Count 31: Securities Fraud, a Class 4 Felony, in violation of A.R.S. § 44-1991, 44-1801, 44-1995, 13-301, 13-302, 13-303, 13-304, 13-305, 13-306, 13-701, 13-702, 13-703, and 13-801, committed on or between March 1, 2014, and May 31, 2014.

This is a **dangerous/non-dangerous, repetitive/non-repetitive** offense under the criminal code.

THIS OFFER EXPIRES AND IS REVOKED IF NOT ENTERED IN COURT BY _____.

Terms: On the following understandings, terms and conditions:

MB 1. As to Count 8, the crime carries a presumptive sentence of 5 years; a minimum sentence of 4 years (3 years if trial court makes exceptional circumstances finding); and a maximum sentence of 10 years (12.5 years if trial court makes exceptional circumstances finding).

As to Count 16, the crime carries a presumptive sentence of 3.5 years; a minimum sentence of 2.5 years (2 years if trial court makes exceptional circumstances finding); and a maximum sentence of 7 years (8.75 years if trial court makes exceptional circumstances finding).

As to Counts 20 and 31, each crime carries a presumptive sentence of 2.5 years; a minimum sentence of 1.5 years (1 years if trial court makes exceptional circumstances finding); and a maximum sentence of 3 years (3.75 years if trial court makes exceptional circumstances finding).

As to ALL counts: Probation **IS** available. Restitution of economic loss to the victim and waiver of extradition for probation revocation procedures are required. The maximum fine that can be imposed is **\$150,000.00** plus an **83%** surcharge (plus a \$20.00 probation surcharge pursuant to A.R.S. § 12-114.01 and a \$13.00 penalty assessment pursuant to A.R.S. § 12-116.04). If the defendant is sentenced to prison, the defendant shall also be sentenced to serve a term of community supervision equal to one-seventh of the prison term to be served consecutively to the actual period of imprisonment. If the defendant fails to abide by the conditions of

community supervision, the defendant can be required to serve the remaining term of community supervision in prison. Special conditions regarding sentence imposed by statute (if any) are:

Within 30 days of being sentenced, the defendant must submit to Deoxyribonucleic Acid (DNA) testing for law enforcement identification purposes, pursuant to A.R.S. § 13-610.

MB

2. The parties stipulate to the following additional terms, subject to court approval at sentencing:

As to Counts 20 and 31, there are no agreements as to sentencing. As to Counts 8 and 16, Defendant shall be sentenced to concurrent terms of probation to commence upon the completion of Defendant's sentence for Counts 20 and 31. Probation shall include White Collar terms. Defendant will pay restitution for all economic loss to any and all victims arising out of the Arizona Attorney General's Office Special Investigations Section report #P-2015-1169, in an amount not to exceed \$187,776. Defendant shall be jointly and severally liable for said restitution with any other convicted co-defendant. No later than the time of sentencing, Defendant shall furnish proof that the full restitution amount has been deposited with the Clerk of the Court. There are no additional agreements.

MB

3. The following charges are dismissed, or if not yet filed, shall not be brought against the defendant by the Arizona Attorney General's Office:

Count 1 (Conspiracy); Count 2 (Illegally Conducting an Enterprise); Count 5 (Fraudulent Schemes & Artifices); Count 7 (Fraudulent Schemes & Artifices); Count 12 (Theft); Count 15 (Theft); Count 18 (Theft); Count 21 (Attempted Theft); Counts 23-25 (Sale of Unregistered Securities); Counts 27-29 (Transactions by Unregistered Dealers and Salesmen); Counts 32-33 (Securities Fraud); Count 34 (Money Laundering, Second Degree); State's allegation of multiple dates of offenses; State's allegation of aggravating factors. The Attorney General's Office further agrees to not file any additional charges against Defendant arising from report #P-2015-1169 identified in paragraph 2 above.

MB

4. This agreement serves to amend the complaint, indictment or information to charge the offense to which the defendant pleads, without the filing of any additional pleading. However, if the plea is rejected by the court or withdrawn by either party, or if the conviction is subsequently reversed, the original charges and any charges that are dismissed by reason of this plea agreement are automatically reinstated.

MB

5. If the defendant is charged with a felony, he/she hereby waives his/her rights to a preliminary hearing or other probable cause determination on the charges to which he/she pleads. The defendant agrees that this agreement shall not be binding on the State should the defendant be charged with or commit a crime between the time of this agreement and the time for sentencing in this cause; nor shall this agreement be binding on the State until the State confirms all representations made by the defendant and his/her attorney, to-wit: **Defendant avows that he has no prior felony convictions in any jurisdiction under any name, and that he was not on probation, parole, release, or community supervision at the time of this offense.**

If the defendant fails to appear for sentencing, the court may disregard the stipulated sentence and impose any lawful sentence which is the same as or exceeds the stipulated sentence in the plea agreement. In the event the court rejects the plea, or either the State or the defendant withdraws the plea, the defendant hereby waives and gives up his/her right to a preliminary hearing or other probable cause determination on the original charges.

MB

6. Unless this plea is rejected by the court or withdrawn by either party, the defendant hereby waives and gives up any and all motions, defenses, objections, or requests which he/she has made or raised, or could assert hereafter, to the court's entry of judgment against him/her and imposition of a sentence upon him/her consistent with this agreement. By entering this agreement, the defendant further waives and gives up the right to appeal (A.R.S. §13-4033) and agrees that the only available review is pursuant to Rule 32, Rules of Criminal Procedure.

MB

7. The parties hereto fully and completely understand and agree that by entering into a plea

agreement, the defendant consents to judicial fact-finding by preponderance of the evidence as to any aspect or enhancement of sentence, and that any sentence either stipulated to or recommended herein in paragraph 2 is not binding on the court. In making the sentencing determination, the court is not bound by the rules of evidence. If after accepting this plea the court concludes that any of the plea agreement's provisions regarding the sentence or the term and conditions of probation are inappropriate, it can reject the plea. If the court decides to reject the plea agreement provisions regarding the sentencing, it must give both the state and the defendant an opportunity to withdraw from the plea agreement. In case this plea agreement is withdrawn, all original charges will automatically be reinstated. The defendant in such case waives and gives up his/her right to a probable cause determination on the original charges.

MB 8. If the court decides to reject the plea agreement provisions regarding sentencing and neither the state nor the defendant elects to withdraw the plea agreement, then any sentence either stipulated to or recommended herein in paragraph 2 is not binding upon the court, and the court is bound only by the sentencing limits set forth in paragraph 1 and the applicable statutes.

MB 9. This plea agreement does not in any way compromise, or provide any protection or defense with regard to, any civil action, whether by or on behalf of a victim or any government entity, and whether previously or later filed, including but not limited to an action pursuant to A.R.S. Title 13, Chapter 23 or §§ 13-4301-4315; nor does it abrogate or limit the provisions of A.R.S. § 13-2314(H) or A.R.S. § 13-4310(C), or in any other way adversely affect the State in any current or future forfeiture proceeding or other civil action pursuant to A.R.S. § 13-2314, § 13-4301-4315, or § 32-1993, if applicable.

MB 10. I understand that if I am not a citizen of the United States that my decision to go to trial or enter into a plea agreement may have immigration consequences. Specifically, I understand that pleading guilty or no contest to a crime may affect my immigration status. Admitting guilt may result in deportation even if the charge is later dismissed. My plea or admission of guilt could result in my deportation or removal, could prevent me from ever being able to get legal status in the United States, or could prevent me from becoming a United States citizen. I understand that I am not required to disclose my legal status in the United States to the court.

MB 11. I have read and understand all of the provisions on all of the pages of this agreement, and I have discussed the case and my constitutional rights with my lawyer. I understand that, by pleading GUILTY, I will be waiving and giving up my right to a determination of probable cause; to a trial by jury; to confront, cross-examine, and compel the attendance of witnesses; to present evidence and witnesses on my behalf; my right to remain silent, my privilege against self-incrimination, presumption of innocence, my right to a trial by jury on facts used to aggravate a sentence, and my right to appeal. I agree to enter my plea as indicated above on the terms and conditions set forth herein. I fully understand that if, as part of this plea agreement, I am granted probation by the court, the terms and conditions thereof are subject to modification at any time during the period of probation. I understand that if I violate any of the written conditions of my probation, my probation may be terminated and I can be sentenced to any term or terms stated above in paragraph 1, without limitation.

I have personally and voluntarily placed my initials in each of the above boxes and signed the signature line below to indicate I read, or had read to me, understood and approved all of the previous paragraphs in this agreement, both individually and as a total binding agreement. My plea is voluntary and is not the result of force, or threat, or promises other than those contained in this plea agreement.

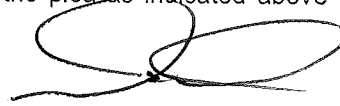
Date 1-5-17


MATTHEW BLODGETT
Defendant

I have discussed this case with my client in detail and advised him/her of his/her constitutional rights and all possible defenses. I believe that the defendant's plea is knowing, intelligent, and voluntary and that the plea and disposition are consistent with law. I concur in the entry of the plea as indicated above and on the terms and conditions set forth herein.

Date

1-5-17

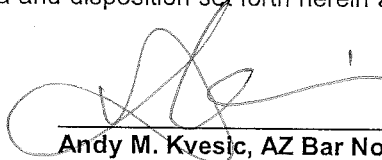


Michael E. Zitton, AZ Bar No. 014715
Attorney for Defendant

I have reviewed this matter and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

Date

1/5/17



Andy M. Kvesic, AZ Bar No. 024923
Assistant Attorney General